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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/699,547	11/01/2003	Ting-Kuang Chen	03220-URS	3057
33804	7590	01/06/2005	EXAMINER	
SUPREME PATENT SERVICES POST OFFICE BOX 2339 SARATOGA, CA 95070			NASH, BRIAN D	
			ART UNIT	PAPER NUMBER
			3721	
DATE MAILED: 01/06/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/699,547

Applicant(s)

CHEN, TING-KUANG

Examiner

Brian Nash

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 November 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 2 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 and 2 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 November 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Drawings

1. Figure 1 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). Corrected drawings in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.121(d)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

2. The disclosure is objected to because of the following informalities: Numerous lines and phrases in the disclosure are vague, ambiguous, and confusingly worded, e.g. page 2, paragraph [0005], lines 1-4 are not clear – perhaps different punctuation would clarify these lines. Paragraph [0005], line 6, it is not clear what is meant/defined by "ball drops form the chute". In paragraph [0009], lines 5-8 it is not clear why the ball does not drop or how the substitution of a "C-shaped" washer for the prior art washer improves the impact absorbing efficiency and also prevents damage of the transmission mechanism.
3. Paragraph [0011] needs to be changed to include --Prior Art-- as noted above in this office action.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

5. Claims 1-2 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. It is not clear how the “improvement”, i.e. the substitution of a C-shaped washer for a conventional “doughnut shaped” washer, changes the invention. Specifically, how does the C-shaped washer improve the impact absorbing efficiency and also prevent damage of the transmission mechanism (specifications, page 3, paragraph [0009])? Additionally, it is not clear if applicant is claiming a method of assembling a shockproof spindle, e.g. sequentially inserting an elastomer, compression structure, and sleeve or are these components already assembled, or if the structure is already assembled?

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

7. Claims 1-2 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 1 line 5, the terminology “made by” is vague, indefinite, and confusingly worded because it is not clear what applicant is claiming. Perhaps the applicant intended to use “made of”.

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In claim 1, lines 6-7, it is not clear what “opening size” refers to nor is it clear what applicant means with the phrase the “opening size of the washer is according to the outer diameter of the spindle”.

In claim 2, lines 1-3, it is not clear what the “maximum compressing deformation” refers to nor is it clear what applicant means with the phrase “the maximum compressing deformation of the elastomer according to keep the ball to contact the chute”.

8. Claim 1 also recites numerous limitations with insufficient antecedent basis for the limitation in the claim. For example, “the base” in line 3, “the ball” and “the chute” in line 4, “the opening size” in line 6, and “the contact surface” in line 8. In claim 2, line 1, “the maximum compressing deformation” has no antecedent basis.

Claim Rejections - 35 USC § 103

9. Claims 1 and 2 are rejected under 35 U.S.C. 103(a) as being unpatentable over the admitted prior art in view of Official Notice. Insofar as the invention is understood to be, the admitted prior art discloses the invention substantially as claimed including a spindle assembly having a ball (5), a chute (41), an elastomer (3), and a washer plate (2) with a central opening that is determined by the outer diameter of the spindle. The washer is also thick enough to push an elastomer upward (see Fig. 1).

The admitted prior art does not explicitly show the washer to be a “C-shape” or made of “elastic material”. However, neither the claims nor the specifications of the invention define how the “C-shaped” washer is used or how a “C-shaped” washer improves the invention such as to prevent damage of the transmission mechanism. Therefore, the examiner takes Official

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Notice of the equivalence of washer (2) of the admitted prior art and washer (6) for their use in the art to push the elastomer upward to arise the sleeve when the washer is inserted into the contact surface between the elastomer and the base. It would be well within the level of one having ordinary skill in the art.

Regarding the composition of the "C-shaped" washer, "elastic material" has not been further defined in the specifications or the claims. It would have been obvious to one skilled in the art to configure/modify the composition of a washer to be more elastic in order to further dampen vibration and/or impact between tool elements, since such a modification is within the engineering purview of the skilled artisan concerned with preventing damage caused by excessive vibration and impact between tool elements.

Conclusion


10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Alessio, Rohm, Terunuma et al, Chung, Brooks et al, Cadenhead, Logo, Chen, Stirn, and Bergquist et al are cited to show related references.

11. . Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian Nash whose telephone number is 571-272-4465. The examiner can normally be reached on Monday – Thursday from 8 a.m. to 5 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rinaldi I. Rada can be reached at 571-272-4467.

The official fax number for this Group is: 703-872-9306

Brian Nash
30 December 2004



SCOTT A. SMITH
PRIMARY EXAMINER